

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

2017 JUL 11 AM 9:46

CLERK US DISTRICT COURT,
WESTERN DISTRICT OF TEXAS

BY DEPUTY 

APOGEE TELECOM, INC.

VS.

ROBERT JOHN DUNGAN, II; EMERGE,
INC.; EMERGE NETWORKS, LLC;
MARION BURCHAM; STEVEN
WOODCOCK; AND KEITH MONFILS

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CIVIL NO.: 1:16-CV-061-SS

FINAL JUDGMENT

BE IT REMEMBERED Court having granted Plaintiff Apogee Telecom, Inc.'s Motion for Default Judgments as to all named Defendants Robert John Dungan, II; Emerge, Inc.; Emerge Networks, LLC; Marion Burcham; Steven Woodcock; and Keith Monfils ("Defendants") and stated Plaintiff Apogee Telecom, Inc. can proceed to a Final Judgment against all named Defendants and after reviewing Plaintiff Apogee's Motion for Entry of Final Judgment Against Defendants and the pleadings and evidence on file, the Court GRANTS Plaintiff's Motion for Entry of Final Judgment Against Defendants Defendants Robert John Dungan, II; Emerge, Inc.; Emerge Networks, LLC; Marion Burcham; Steven Woodcock; and Keith Monfils. As such, the Court enters the following:

IT IS ORDERED, ADJUDGED, and DECREED that Plaintiff Apogee Telecom, Inc. shall recover ONE MILLION FIVE HUNDRED NINEY-ONE THOUSAND FOUR HUNDRED THIRTY-TWO AND 01/100 DOLLARS (\$1,591,432.01) in compensatory damages and TWO HUNDRED FIFTY THOUSAND AND 0/100 DOLLARS (\$250,000.00) in exemplary damages, plus post-judgment interest on this amount at the rate of 5% per annum calculated from the date of entry of this Judgment, for which Defendants Robert John Dungan, II; Emerge, Inc.; Emerge

Networks, LLC; Marion Burcham; Steven Woodcock; and Keith Monfils are jointly and severally liable;

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that Plaintiff Apogee Telecom, Inc. shall recover FIVE THOUSAND AND 00/100 DOLLARS (\$5,000.00) in reasonable attorney's fees and costs from Defendants Robert John Dungan, II; Emerge, Inc.; Emerge Networks, LLC; Marion Burcham; Steven Woodcock; and Keith Monfils;

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that Defendants Robert John Dungan, II; Emerge, Inc.; Emerge Networks, LLC; Marion Burcham; Steven Woodcock; and Keith Monfils are jointly and severally liable in this case for have committing fraud and civil conspiracy under Texas common law;

IT IS FURTHER ORDERED, ADJUDGED, and DECREED All claims and dispositive motions brought by any Defendants in this cause be dismissed with prejudice.

IT IS ORDERED that Defendants Robert John Dungan, II; Emerge, Inc.; Emerge Networks, LLC; Marion Burcham; Steven Woodcock; and Keith Monfils are ENJOINED from using, maintaining, revealing, or disclosing Plaintiff's confidential, proprietary and/or trade secret¹ information;

IT IS FURTHER ORDERED that Defendants Robert John Dungan, II; Emerge, Inc.; Emerge Networks, LLC; Marion Burcham; Steven Woodcock; and Keith Monfils are ENJOINED from conducting any services for Plaintiff's customers, or causing any of Plaintiff's

¹ "Trade Secret" with respect to this order means client lists; client bid information; information concerning the evaluation of bid packages; customer contact information; customer lists; contacts of customers in Apogee's sales pipeline at the time of Dungan's employment; bidding models; confidential information on Apogee's size with respect to revenue, head count, any financial metrics; confidential dealings, negotiations, agreements with Apogee vendors, partners, contractors, subcontractors, including lists of such, including cost, models, pricing structure for services, or product roadmaps; technical details of Apogee data networking or video distribution schematics including Apogee use of specific parts, configuration, or programming; Apogee specific sales strategy; and details of Apogee internally developed software including their customer web portal, authentication process, or end user device management.

customers to stop doing business with Plaintiff, through the use of Plaintiff's confidential, proprietary and/or trade secret information;

IT IS FURTHER ORDERED that Defendants Robert John Dungan, II; Emerge, Inc.; Emerge Networks, LLC; Marion Burcham; Steven Woodcock; and Keith Monfils are ENJOINED from disbursing any money or things of value received by Defendants as a result of any business Defendants routed to Emerge, Inc. or Emerge Networks, LLC (or any affiliated entity) on behalf of Apogee or that were received or earned as a result of any use or disclosure of Apogee's Confidential or Proprietary Information and/or solicitation of Apogee's Customers;

IT IS FURTHER ORDERED that Defendants Robert John Dungan, II; Emerge, Inc.; Emerge Networks, LLC; Marion Burcham; Steven Woodcock; and Keith Monfils are ENJOINED from destroying any evidence related to his cause of action;

IT IS FURTHER ORDERED that Defendants Robert John Dungan, II; Emerge, Inc.; Emerge Networks, LLC; Marion Burcham; Steven Woodcock; and Keith Monfils are to preserve any information from destruction that may be located in a "cloud based" or other environment that is subject to periodic automated loss.

IT IS FINALLY ORDERED, ADJUDGED, and DECREED that this Judgment is final and execution shall issue thereon.

SIGNED this the 11th day of July 2017.


SAM SPARKS
UNITED STATES DISTRICT JUDGE